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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,809	05/24/2001	Gerard Jay Bellasalma	60137-026	2588

26096 7590 01/25/2006

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EXAMINER

SORKIN, DAVID L

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,809

Applicant(s)

BELLASALMA ET AL.

Examiner

David L. Sorkin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 16-22 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-22, 28, 29 and 31-35 is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 16, 26, 27 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The amendment filed 04 November 2005 is objected to under 35 U.S.C. 132(a) and 37 CFR 1.121(f) because it introduces new matter into the disclosure, which states that no amendment shall introduce new matter into the disclosure of the invention. In each of Figs. 2A-2D, the new relative sizes of the valve openings and the new positions of the openings are considered new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Specification

2. The amendment filed 04 November 2005 is objected to under 35 U.S.C. 132(a) and 37 CFR 1.121(f) because it introduces new matter into the disclosure, which state that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follow:

- a. In [7], changing "the valves downstream of the first valve", to "the first valve.
- b. In [8] changing "the first valve" to "valves down stream of the first valve"
- c. In [17] adding "a mix section M of a mixer head 25".
- d. In [17] adding "it should be understood that various mix sections ..."
- e. In [18], the new references to a "mix section" and "mixer section" and "outlet 27".
- f. In [26], changing "36B" to "36C".
- g. In [28] changing "at least" to "at most", "provides" to "does not provide", "is limited" to "is no longer limited".

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- h. In [30] changing "valve 32A" to "valves 32B and 32C".
- i. In [31] changing "valve 32A" to "valves 32B and 32C".
- j. In [32] changing "32A" to 32B" and "32B" to 32C".
- k. In [32] adding "at most".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12, 14, 16, 26, 27 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "a mix head assembly of a molding system", recited in lines 1-2 of claim 1, makes unclear whether the "molding system" is a required element of the claimed machine or if it is being mentioned with respect to an intended use of the mix head assembly.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-12, 14, 16, 26, 27 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. A mix head

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comprising "an inlet to a mixer section and an outlet from said mixer section" is not described in the original filing.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 7-12, 14, 16, 26 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Davidson (US 2,131,836). Davidson ('836) discloses an assembly comprising a mix head (3 and/or 9) comprising an inlet (for example from 2) to a mixer section and an outlet from said mixer section; an input port (4) to a passage (10); a plurality of adjacent sequentially activatable valves (14,15,16,17,18) in communication with said passage to selectively suppress a flow through said passage; and an output port (2) from said passage in communication with said inlet to said mix head.

Regarding claim 2, a controller (32,33) is capable of sequentially activating the valves.

Regarding claim 7, each valve has a transverse opening (19 or 20-24). Regarding claim 8, there is a first valve (18), second valve (17) and third valve (16), each having a longitudinal axis transverse to the passage. Regarding claim 9, the first valve (18) is adjacent the input port (4). Regarding claim 10, the first valve (18) has a first opening (24 or 19), the second valve (17) has a second opening (19 or 23), and the third valve (16) has a third opening (19 or 22). Regarding claim 11, the second opening (23) is sized larger than the first opening (24), and the third opening (22) is sized larger than

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the second opening (23). The assembly could be used in the manner recited in claim 12, 14 and 16. Regarding claim 26, said plurality of adjacent valves are located within a valve housing (1) adjacent to the mixer head. Regarding claim 30, said plurality of adjacent valves intersect said passage substantially perpendicularly (see Fig. 1).

Allowable Subject Matter

9. Claims 17-22, 28, 29 and 31-35 are allowed.

Response to Arguments

10. The BPAI decision indicates the phrase the pipes of the previously applied prior art are not mix heads "of the sort recited". That is, do not have "an inlet a mixer section and an outlet from said mixer section". As the phrase "an inlet a mixer section and an outlet from said mixer section" is not present in the original filing, and the original filing discloses nothing more than a pipe for the mix head, it is only reasonable to consider that the original filing did not describe a mix head "of the sort recited".

11. Applicant's argument regarding the art rejections are moot in view of the new grounds for rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David L. Sorkin
Primary Examiner
Art Unit 1723

DLS